

Amendment
Serial No. 10/706,494

5000-1-483

REMARKS

Reconsideration of all grounds of objection and rejection in the Office Action and allowance of the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-9 remain pending herein. Claims 1 and 7 are independent claims.

Applicant has amended the specification on pages 2 and 12 as requested by the Examiner. Claims 1 and 6 were also amended in accordance with the Examiner's request, thereby overcoming all grounds of objection to the application. Reconsideration and withdrawal of these grounds of objection are respectfully requested.

Claims 1, 2, 4-7 and 9 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Ishida (U.S. 6,434,171) in view of Coffin, III *et al.* (U.S. Pat. Appln. Pub. No. 2005/0169783) ("Coffin"). Claims 3 and 8 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Ishida in view of Coffin, and further in view of Dekeyser (U.S. 6,892,389). Applicant respectfully traverses all of the above-mentioned grounds of rejection for the reasons discussed herein below.

Applicant respectfully submits that none of claims 1, 2, 4-7 and 9 would have been obvious to a person of ordinary skill in the art at the time of invention over the combination of Ishida in view of Coffin. The combination of references fails to disclose or suggest all of the elements recited in Applicant's claims. For example, the combination fails because Ishida, Coffin, or their combination, does not disclose the splitting of MPTS into SPTS. Instead, with regard to the combination of Ishida and

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Coffin, Coffin is silent and Ishida merely discloses branching the transmission of some groups of MPEG-2 streams, which are separated from a larger group of MPEG-2 streams. The branch signals comprises a multiplexed signal containing a plurality of MPEG-2 streams sent in a branched transmission (col. 3, lines 2-13) at a different frequency than the other larger transmission. In other words, Ishida functions like the prior art disclosed by Applicant at page 2, lines 20-22, in that multiple MPEG-2 MPTS is branched into two transport streams.

For example, the combination of Ishida and Coffin fails as a combination to disclose or suggest the claimed invention as FIG. 1 of Ishida shows a CATV Center (everything in the dotted line box) having multiplexer 11, with multiple streams of MPEG-2 (TS₁-TS₅) being multiplexed, and the multiplexed signal being encrypted through an encryption unit or output from the multiplexer and sent to a DSTB control unit 14. There are a plurality of multiplexers (up to 11_M) providing a signal with multiple MPEG-2 program transport streams output as a multiplexed signal.

In other words, the mixer /distributor 15 sends MPTS streams of MPEG-2 over multiple transmission paths. Ishida clearly does not disclose or suggest splitting the MPTS into SPTS, and in combination with Coffin, fails as a combination to disclose at least an SPTS splitting and storing section, and that the PID filter splits MPTS into SPTS, which is then buffered, and distributed to a subscriber buffer 40 as SPTS streams (Fig. 2, subscriber buffer 40 for subscriber 1 having SPTS 1, SPTS 2 and SPTS 3 stored in the subscriber buffer for transmission of the SPTS via the subscriber interface 52 to the subscriber.

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In fact, the combination of Ishida and Coffin fails to disclose or suggest the claimed invention as Ishida discloses at col. 5, lines 54-58 that the video elementary streams (video ES) and program and service information SI are time division multiplexed onto MPEG-2 using packets. Again, Applicant respectfully submits that multiple MPEG-2 transport streams in Ishida are bound together. Thus, the combination of Ishida and Coffin fails to disclose or suggest independent claims 1 or 7, or any of the claims dependent therefrom.

Therefore, Applicant respectfully submits that the combination of Ishida and Coffin fails to disclose that SPTS data streams are generated by splitting the MPTS data streams into SPTS, and in which an SPTS buffer is provided so that a subscriber distribution section receives SPTS streams and stores them in a subscriber buffer, for transmission to the subscriber as SPTS packets.

With regard to rejections under 35 U.S.C. §103(a), Applicant respectfully submits that the United States Court of Appeals for the Federal Circuit required a showing of an un rebutted prima facie case of obviousness (*In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998) (citing *In re Deuel*, 51 F.3d 1552, 1557, 34 USPQ2d 1210, 1214 (Fed. Cir. 1995))). According to United States Court of Customs and Patent Appeals, the predecessor to the Federal Circuit, the *prima facie* case can be established only if the prior art references, among others, teach all features in the claims (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1970); see also MPEP 2143.03), or if the claim or claims recite features as combined in the claims that would have been within the ordinary skill in the art (*KSR International Co. v. Teleflex Inc. et al.*, No. 04-1350, U.S. Supreme Court, decided April 30, 2007).

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For all the foregoing reasons, Applicant respectfully submits that none of the claims would have been obvious to a person of ordinary skill in the art in view of the cited references. Nor are the elements as combined in these claims obvious to a person of ordinary skill in the art. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

Other claims in this application that are dependent on independent claims 1 or 7 are believed to be patentable at least for the same reasons discussed herein above. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

With regard to the rejections of claims 3 and 8 under 35 U.S.C. §103(a) over the combination of Ishida, Coffin and Dekeyser, Applicant respectfully submits that the addition of Dekeyser to the combination of Ishida and Coffin still fails even to disclose or suggest Applicant's base claims. For at least this reason, the combination fails to disclose or suggest either of claims 3 or 8. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

For all the foregoing reasons, Applicant respectfully submits that all grounds of objection and rejection in the Office Action are overcome. A Notice of Allowance is respectfully requested.

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In the event that any additional fee is required to continue the prosecution of this Application as requested, please charge such fee to Deposit Account No. 502-470. If the Examiner has any questions regarding this Application, it is respectfully requested that the Applicant's attorney of record be contacted at the below-noted telephone number.

Respectfully submitted,

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